

TITLE 8 DEVELOPMENT CODE
DIVISION 3: PROCEDURES
CHAPTER 3: LAND USE DESIGN PROCEDURES.
Sections:

- Article 1: Conditional Use Permit.**
83.030105 Conditional Use Permit Review Criteria.
83.030110 Types of Conditional Use Permit Authorizations.
83.030115 Procedures.
83.030120 Conditional Use Permit Review.
83.030125 Alteration to Nonconforming Uses.
83.030130 Design Conditional Use Permit.
83.030135 Agricultural Support Service.
83.030140 Surface Mining and Reclamation.
83.030145 Hazardous Waste Facilities.
Article 2: Planned Development Review.
83.030205 Purpose.
83.030210 Reviewing Authority.
83.030220 Findings.
83.030225 Concurrent Subdivision Applications.
83.030230 Development Plans.
Article 3: Land Use Review.
83.030305 Land Use Review Criteria.
83.030310 Procedures.
Article 4: Occupancy Review.
83.030405 Occupancy Review Criteria.
83.030410 Procedures.
83.030415 Nonresidential Quarters.
Article 5: Certificate of Land Use Compliance.
83.030505 Procedures.
Article 6: Special Use Permit.
83.030605 Procedures.
Article 7: Temporary Use Permit.
83.030705 Procedures.
Article 8: Sign Location Plan.
83.030805 Procedures.
Article 9: Variance Review.
83.030905 Procedures.
Article 10: Flood Hazard Development Review.
83.0301005 Procedures.
Article 11: Pre-construction Inspection.
83.0301105 Purpose.
83.0301120 Inspection.
Article 12: Extension of Nonconforming Use Amortization Period (Adult-Oriented Businesses)
83.0301205 Procedures.
Article 13: Department Review
83.0301305 Intent.
83.0301310 Procedures.
83.0301315 Uses Which Do Not Qualify for a Department Review.
Article 14: Housing Incentives Program (HIP)
83.0301405 Housing Incentives Program Density Bonuses.
83.0301410 Housing Incentives Program Review Criteria.
Article 15: ABC Licensing
83.0301505 ABC Licensing.
83.0301510 Procedures.
Article 16: Accessory Wind Energy Systems Permit
83.0301605 Accessory Wind Energy Systems.
83.0301605 Procedures

Article 1: Conditional Use Permit.

83.030105 Conditional Use Permit Review Criteria.

A Conditional Use Permit or alternate review procedure as allowed by this section shall be required for the construction, alteration or expansion of every use that is allowed by a land use district subject to a Conditional Use Permit.

(a) A Conditional Use Permit shall be required for all new development where specified by this Title and for the expansion, alteration or any disturbance of land associated with any use subject to a Conditional Use Permit, Department Review or Land Use Review:

(1) which is greater than twenty-five percent (25%) of the ground area covered by the land use, where the land use is permitted in the land use district subject to a Department Review or Conditional Use Permit, or

(2) which is greater than twenty-five percent (25%) of the ground area covered by the land use and where the total use after such expansion exceeds 10,000 square feet, where the land use is permitted in the land use district subject to a Land Use Review.

Cumulative expansions which meet these criteria also require a Conditional Use Permit.

(b) A Conditional Use Permit shall be required for the conversion of non-conforming structures from one primary land use classification to another (e.g. remodeling of a residential structure for commercial or industrial use).

(c) At the discretion of the Director of Planning, proposed uses designated as being subject to a Conditional Use Permit may be evaluated using the Department Review procedures, except for those uses that are identified in Section 83.0301315 that specifically do not qualify for a Department Review. If the reviewing authority cannot make the required findings to approve the Department Review, the review shall be elevated to a Conditional Use Permit.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990); Amended Ordinance 3483 (1992); Amended Ordinance 3565 (1993); Amended Ordinance 3657 (1996)

83.030110 Types of Conditional Use Permit Authorizations.

- (a) Conditional Use Permit Review.
- (b) Alterations to Nonconforming Uses.
- (c) Agricultural Support Service.
- (d) Surface Mining and Reclamation Plans.

Readopted Ordinance 3341 (1989)

83.030115 Procedures.

Conditional Use Permits are intended to provide an opportunity to review the location design and manner of development of land uses prior to their implementation. Uses subject to Conditional Use Permits are established through Public Hearing or Administrative Review procedures. Once established, minor expansions and adjustments to uses that are subject to a Conditional Use Permit may be accommodated through the Land Use Compliance Review process.

Readopted Ordinance 3341 (1989)

83.030120 Conditional Use Permit Review.

- (a) Procedure: Administrative Review or Public Hearing
- (b) Reviewing Authority: Planning Officer.
- (c) The Planning Officer shall be the reviewing authority for Conditional Use Permit applications except the following circumstances:

(1) Where the Planning Officer refers the proposal to the Planning Commission.

(2) Where the proposal is filed concurrently with an application subject to Public Hearing review procedures.

(d) Findings. Prior to approving an application for a Conditional Use Permit, the reviewing authority shall find and justify that all of the following are true:

(1) The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscaping and other features pertaining to the application.

(2) The site for the proposed use has adequate access, meaning that the site design incorporates street and highway limitations.

(3) The proposed use will not have a substantial adverse effect on abutting property or the permitted use thereof, meaning that the use will not generate excessive noise, vibration, traffic or other disturbance. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems.

(4) The proposed use is consistent with the goals, policies, standards and maps of the General Plan and any applicable plan.

(5) The lawful conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare.

(6) The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990)

83.030125 Alteration to Nonconforming Uses.

- (a) Procedure: Administrative Review.
- (b) Reviewing Authority: Planning Officer
The Office of Planning shall review and act upon requests to alter nonconforming uses.
- (c) An existing nonconforming use may be altered to accommodate a new structure or accessory use, except where it is an existing nonconforming use of land with no structure thereon.
- (d) Findings. Before any modification in a nonconforming use may be granted, it shall be found that all of the following conditions shall exist in reference to the alteration being considered:
 - (1) The remaining normal life of the existing nonconforming use shall be determined pursuant to provisions specified in this Code prior to consideration of the proposed alteration if in a residential district.
 - (2) The proposed alteration shall not prolong the normal life of the existing nonconforming use.
 - (3) The alteration of the existing nonconforming use shall not be detrimental to nor prevent the attainment of objectives, policies, general land use and programs specified in the County General Plan.
 - (4) The granting of permission to alter the nonconforming use shall not be substantially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and district in which the use is located.
 - (5) The alteration shall not change the primary use of the land nor increase the intensity of that use.
 - (6) The existing nonconforming use shall comply with all other existing County regulations, including, but not limited to, those applicable to and enforced by the County Department of Environmental Health Services, Office of Building and Safety, and the County Sheriff's Department.
 - (7) Any alteration required by governmental or court action shall be exempt from these conditions.

Readopted Ordinance 3341 (1989)

83.030130 Design Conditional Use Permit.

Any Conditional Use Permit submittal which is determined by the Planning Officer to warrant more detailed review may be forwarded to the Development Review Committee (DRC) for review and recommendation prior to action by the reviewing authority.

Readopted Ordinance 3341 (1989)

83.030135 Agricultural Support Service.

When agricultural support services are allowed subject to a Conditional Use Permit, the following findings shall be made prior to approval of the Conditional Use Permit:

- (a) The proposed use is of an appropriate size and scale that will not create a conflict with existing or planned uses of adjacent properties;
- (b) The proposed use is incidental and subordinate to existing agricultural uses located within the general vicinity;
- (c) The methods of operation are compatible with existing and planned uses of adjacent properties;
- (d) The methods of solid waste, sewage and wastewater disposal are safe, practical and will not adversely affect surrounding properties, and underground water supplies;
- (e) The approval of the proposed use will not serve to detract from the agricultural character of the area;
- (f) The proposed use will not have a substantial adverse effect on the service support capacity of the area's infrastructure including groundwater supply.

Readopted Ordinance 3341 (1989)

83.030140 Surface Mining And Reclamation.

State law requires a public hearing review for the Surface Mining and Reclamation process. The Mining and Land Reclamation Plan Application combines a Conditional Use Permit and Reclamation Plan into one application.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990)

83.030145 Hazardous Waste Facilities.

- (a) To apply for a Conditional Use Permit (CUP) for a Hazardous Waste Facility, a General Plan Amendment Application must be filed concurrently with the CUP as a Hazardous Waste Overlay District must be applied to the facility site.
- (b) For a complete discussion of the review procedures required for a specified hazardous waste facility, refer to Section 5.3.3 and Table 5-4 of Chapter 5 of the San Bernardino Hazardous Waste Management Plan.

Readopted Ordinance 3341 (1989); Amended Ordinance 3446 (1991)

Article 2: Planned Development Review.

83.030205 Purpose.

The planned development process is intended to facilitate development of properties where greater flexibility in design is desired to provide a more efficient use of land than would be possible through strict application of land use district regulations. This process is also intended to serve as an alternative site planning process that encourages the more creative and imaginative planning of mixed use multiphased residential, commercial or industrial developments within the framework of a single cohesive development plan.

Readopted Ordinance 3341 (1989)

83.030210 Reviewing Authority.

The Planning Commission shall review and the Board of Supervisors shall act upon all initial applications for preliminary development plans and significant revisions to previously approved preliminary development plans for planned developments. However, a recommendation for denial by the Planning Commission shall terminate any application for a planned development, unless it is appealed in accordance with the provisions of this Title. When an applicant chooses to file a final development plan for a project that has not had a preliminary development plan previously approved, he/she shall file the preliminary and final development plans concurrently. The Planning Officer shall review and act upon all applications for final development plans for planned developments, provided the plans have been determined to be non-controversial and are consistent with the approved preliminary development plans. A Final Development Plan shall be determined to be non-controversial when no member of the Development Review Committee objects to the proposed development or any portion thereof, the applicant is in agreement with the requirements and conditions as proposed, and there has been no objection to the proposed project. If the Planning Officer determines the project to be controversial, the project shall be referred to the Planning Commission for action. The Development Review Committee shall review all applications for preliminary or final development plans prior to their review by the Planning Officer, Planning Commission or Board of Supervisors.

Readopted Ordinance 3341 (1989); Amended Ordinance 3427 (1990); Amended Ordinance 3779 (1999); Amended Ordinance 3864 (2002)

83.030220 Findings.

Prior to approving a request for a planned development, the reviewing authority shall find that all of the following are true:

- (a) The proposed development is consistent with the County General Plan and any applicable plan.
- (b) The physical characteristics of the site have been adequately assessed and that the site for the proposed development is adequate in size and shape to accommodate said use and all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscaping and other features required.
- (c) The site for the proposed development has adequate access, meaning that the site design and development plan conditions consider the limitations of existing streets and highways and provides improvements to accommodate the anticipated requirements of the proposed development.
- (d) Adequate public services and facilities exist, or will be provided in accordance with the conditions of development plan approval, to serve the proposed development and that the approval of the proposed development will not result in a reduction of such public services to properties in the vicinity to be a detriment to public health, safety and welfare.
- (e) The proposed development, as conditioned, will not have a substantial adverse effect on surrounding property or the permitted use thereof, and will be compatible with the existing and planned land use character of the surrounding area.
- (f) The improvements required per the conditions of development plan approval, and the manner of development adequately address all natural and manmade hazards associated with the proposed development and the project site including, but not limited to, flood, seismic, fire and slope hazards.
- (g) The proposed development carries out the intent of the planned development provisions by providing a more efficient use of the land and an excellence of design greater than that which would be achieved through the application of conventional development standards.
- (h) If the development proposes to intermix residential and commercial uses whether done in a vertical or horizontal manner, the residential use is designed in such a manner that it is buffered from the commercial use and is provided sufficient amenities to create a comfortable and healthy residential environment and to provide a positive quality of life for the residents. Such amenities may include, but are not limited to, private open space, private or separated entrances, landscaping, etc.

Readopted Ordinance 3341 (1989); Amended Ordinance 3427 (1990)

83.030225 Concurrent Subdivision Applications.

Applications for a planned development shall not constitute an application for subdivision. If a subdivision of land is proposed in conjunction with a planned development project, separate application, review and findings shall be made in accordance with the provisions of this Code.

In the event a tentative subdivision map application is concurrently filed with a planned development application, expiration of an approved or conditionally approved planned development site plan, shall terminate all proceedings or any associated land use application. No final subdivision map or parcel map of all or any portion of the real property included within such a planned development site plan shall be filed for record without first processing a new planned development site plan.

Readopted Ordinance 3341 (1989)

83.030230 Development Plans.

A detailed site plan or development plan shall be submitted with all planned development proposals. All such development plans shall contain sufficient detail to depict the manner in which the proposed development complies with the provisions of this article and that of Division 8 of this Title.

Planned development requests for mixed use projects or projects with more than five hundred (500) dwelling units may be submitted in two stages. The first stage shall be referred to as a Preliminary Development Plan and the second stage shall be referred to as a Final Development Plan. Preliminary Development Plans and Final Development Plans are defined as follows:

(a) Preliminary Development Plan.

A Preliminary Development Plan (PDP) functions as a development suitability analysis and a comprehensive plan of the proposed developments. The PDP:

- (1) Identifies and quantifies the constraints and opportunities for development as follows:
 - (A) The physical characteristics of the site;
 - (B) Available public services and facilities;
 - (C) The capacity of the existing circulation system; and
 - (D) The existing and planned land use of adjacent properties.
- (2) Establishes a list of specific limits, parameters and planning objectives to guide development based on the identified development constraints and opportunities.
- (3) Describes one or more potential development schemes derived from the limits, parameters and planning objectives controlling the development. Each proposed development scheme shall describe:
 - (A) Proposed land uses and approximate distribution of such land uses;
 - (B) Proposed density of residential uses;
 - (C) Estimated population;
 - (D) Estimated service demands;
 - (E) The anticipated impact on the existing circulation system;
 - (F) The anticipated impact on adjacent properties;
 - (G) The relationship of the plan to the various elements of the County General Plan; and
 - (H) The anticipated types of commercial and industrial uses.
- (4) Sets forth in the form of a written text, maps and/or diagrams, a detailed plan of development based upon the application of the established limits, parameters and planning objectives controlling development. Said plan shall describe in detail the following:
 - (A) Proposed land uses and building types, the functional arrangement of such uses and building types and relationship to site, site grading, circulation, lighting, paving, parking, screening, setbacks, recreation and open space areas, and adjacent properties;
 - (B) How the established limits, parameters and planning objectives have been adhered to;
 - (C) The level of public services and facilities required by the proposed development and the program for providing, operating and maintaining such services and facilities;
 - (D) Access and circulation requirements;
 - (E) Known manmade and natural hazards and methods for mitigation of such hazards;
 - (F) Significant natural features and areas to be retained for common open space, and provisions for the preservation, conservation, utilization and maintenance of such areas; and
 - (G) How the plan conforms to the objectives of the County General Plan and the planned development provisions of this Code.

(b) Final Development Plan.

The Final Development Plan is a detailed site plan which sets forth the location and dimensions of all uses and structures in sufficient detail to permit recordation and preparation of construction drawings.

The Final Development Plan shall comply with all approved Preliminary Development Plans. If no such Preliminary Development Plan has been approved, the Final Development Plan shall also meet the requirements for Preliminary Development Plans for the project site.

(c) Application Procedures For Staged Development.

(1) An applicant may file the preliminary with the final development plan, with the consent of the planning officer.

(2) An application for a Preliminary Development Plan shall encompass all the land included within the planned development. A Final Development Plan may be for a portion of the land included within the planned development or a phase thereof, provided that:

(A) Each phase shall function as a complete and separate development from the remaining phases; and

(B) Any densities proposed or open space areas provided within the subject phase shall not result from a transfer of density from adjoining phases.

(d) Preapplication Conference.

Prior to the formal submission of a planned development application, the applicant shall meet with the Design Review Committee in order to acquaint the applicant with the procedural requirements of the planned development provisions of this Code and to discuss the general acceptability of the plan and its compatibility with applicable policies, issues and development regulations. The preapplication conference shall be required for mixed use, staged development plans only.

(e) Conformance of Plans.

Each final development plan shall substantially conform to the preliminary development plan.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990); Amended Ordinance 3427 (1990)

Article 3: Land Use Review.

83.030305 Land Use Review Criteria.

(a) A Land Use Review shall be required to authorize the construction, alteration or expansion of every use that is allowed by a land use district subject to a Land Use Review provided such use complies with all established development standards contained in this Title or adopted administratively by the Board of Supervisors.

(b) A Land Use Review shall be required to authorize an expansion or change of use which would require additional parking.

(c) A Land Use Review shall be required to authorize the expansion, alteration or disturbance of land associated with any use subject to a Conditional Use Permit or Department Review, which cumulatively involves no more than twenty-five percent (25%) of the ground area covered by the land use or square footage of the original structure.

(d) For those uses subject to a Land Use Review as reflected within each land use district, the Land Use Review is authorized for the expansion, alteration, or disturbance of land greater than twenty-five percent (25%) of the ground area covered by the original land use or the square footage of the original structure provided the total square footage of the land use or square footage of the structure after expansion, alteration or disturbance of land is less than ten thousand (10,000) square feet.

(e) A Land Use Review shall be required to authorize the alteration or expansion of an existing publicly owned institutional structure which is less than ten thousand (10,000) square feet in area and is expanded by no more than five thousand (5,000) square feet.

(f) A Land Use Review shall be required prior to the issuance of building permits for land uses with a Conditional Use Permit issued prior to July 1, 1991 in order to insure compliance with all conditions of approval and applicable development standards. This subsection shall sunset on July 1, 1998.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990); Amended Ordinance 3565 (1993); Amended Ordinance 3657 (1996)

83.030310 Procedures.

(a) The Land Use Review procedure is intended to provide a less formal review than that for the Conditional Use Permit or Department Review. After application acceptance, referrals may be requested to ensure all appropriate agencies are noticed. The project planner shall review the application according to established departmental procedures.

(b) Procedure: Staff Review without Notice.

(c) Reviewing Authority: Director of Planning.

(d) Findings. Prior to accepting or approving an application for a Land Use Review, the reviewing authority shall find:

(1) The project complies with all development standards set forth in the Development Code or adopted by the Board of Supervisors.

(2) There is supporting infrastructure, existing or available, consistent with the designated improvement level, to accommodate the proposed development without significantly lowering service levels.

(3) The proposed use and manner of development are consistent with the goals, policies, standards and maps of the General Plan or any applicable specific plan.

(4) There are no circumstances which would result in a need for environmental review.

(5) The project, due to the proposed use, location, hours of operation or intensity of development, will not generate sufficient controversy to warrant additional review.

If the proposed project fails to satisfy any of the above listed findings, it will be either denied/rejected or subject to the Department Review or Conditional Use Permit processes.

(e) All references to the "Land Use Compliance Review" in this Title shall mean the "Land Use Review."

Readopted Ordinance 3341 (1989); Amended Ordinance 3565 (1993)

Article 4: Occupancy Review.

83.030405 Occupancy Review Criteria.

Any project attempting to qualify for the Occupancy Review process must be allowed in the land use district in which it is located, be a Group B occupancy as defined by the Uniform Building Code, and be exempt from the California Environmental Quality Act (CEQA) which generally requires a project to meet one or more of the following criteria:

(a) Existing facilities:

(1) Interior or exterior alterations on projects which have an approved plot plan involving such things as interior partitions, plumbing and electrical conveyances with no increase in the square footage of the building; or

(2) Existing structures or uses which have an approved plot plan; or

(3) Existing structures or uses existing prior to the implementation of zoning and/or this Title of the San Bernardino County Code which meet either of the following circumstances:

(A) Existing structure or use has been in continuous use; or

(B) Electrical meter was removed less than 180 days prior to application submittal for the Occupancy Review.

(4) Additions to existing structures provided that the addition would not result in an increase of more than 15% of the floor area of the use before the addition or 1,000 square feet, whichever is less.

(b) New construction (structure) or new uses must meet the following:

(1) The use must be allowed in the land use district in which it is located subject to a Land Use Review; and

(2) The structure must be a Group B occupancy as defined by the Uniform Building Code and be designed for an occupant load of 30 persons or less; and

(3) The project must meet the design standards included in this Title, other applicable codes and the Administrative Design Standards adopted by the Board of Supervisors; and

(4) The project will not be involved with the use of toxic or hazardous materials other than would normally be associated with Group B occupancies.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990); Amended Ordinance 3565 (1993); Amended Ordinance 3616 (1995)

83.030410 Procedures.

(a) The Occupancy Review procedure is intended to provide a less formal review than that for the Conditional Use Permit, Department Review or Land Use Review. It is intended for this review to be conducted in conjunction with the construction plans review.

(b) After application acceptance, staff will review the project to ensure that all established standards are met. If the project does not comply with these standards, the review shall be elevated to a Land Use Review, a Department Review or Conditional Use Permit review.

(c) After an applicant has received an approval for an Occupancy Review Application, he/she may not apply for a second Occupancy Review for the same piece of property unless two years has passed from the first approval. Any subsequent development on the subject property within the two-year period will require review through the Land Use Review, Department Review or the Conditional Use Permit process.

(d) Procedure: Staff Review without Notice.

(e) Reviewing Authority: Director of Building and Safety.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990); Amended Ordinance 3565 (1993)

83.030415 Nonresidential Structures.

Commercial coaches, and appropriate structures constructed in accordance with the applicable code in effect at the time of manufacture may be used for nonresidential structures, subject to the issuance of an Occupancy Review, if it is placed on a permanent foundation and meets all the criteria for an Occupancy Review. Such nonresidential structures may be used to provide office, retail, meeting assembly, wholesale, manufacturing and/or storage space for commercial, commercial agricultural, industrial, or institutional uses. The Building Official shall determine that the proposed use has adequate access, circulation, parking, fencing, lighting, signage, landscaping and appropriate buffering from abutting uses as required by this Code and the applicable land use district.

Readopted Ordinance 3341 (1989); Amended Ordinance 3612 (1995); Amended Ordinance 3864 (2002)

Article 5: Certificate of Land Use Compliance.

83.030505 Procedures.

(a) The Certificate of Land Use Compliance is used to certify the legal use of property, establish termination dates for nonconforming uses, disclose in public record conditions of operation and any other long term conditions or restrictions that apply to the subject use or property.

(b) Filing Criteria.

The Planning Agency may require the filing of a Certificate of Land Use Compliance as a condition of approval of any land use application. The certificate shall reflect the information required by the Planning Agency and acknowledged by the applicant. The Planning Agency shall cause the certificate to be filed for record with the County Recorder.

(c) Content.

(1) The certificate shall identify the real property involved.

(2) The certificate shall certify that a given use is legally authorized by the County and identify any land use application that was filed to authorize the development.

(3) The certificate shall list the conditions for the development and operation of a use on the site including any required time limits for the termination of nonconforming uses or structures.

(d) Procedure: Staff Review Without Notice

Reviewing Authority: Planning Director
Chief of the Division of Environmental Health Services
Chief, County Fire Department
Director of Architecture, Building and Engineering

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990); Amended Ordinance 3611 (1995); Amended Ordinance 3657 (1996)

Article 6: Special Use Permit.

83.030605 Procedures.

(a) The Chief of the Division of Environmental Health Services of the Public Health Department or the Director of Land Use Services shall review and act upon requests for Special Use Permits subject to the findings and conditions for each use type as cited within the section of this Code that provides for said use.

(b) Procedure: Staff Review With Notice.

Reviewing Authority: Chief of the Division of Environmental Health Services
Director of Land Use Services

(c) When necessary, the reviewing authority may hold an advertised meeting to consider evidence and take testimony prior to acting upon an application for a Special Use Permit.

(d) Revocation of Permits: Failure of the applicant or operator to comply with any or all established standards or conditions of approval at any time may result in the revocation of the permit provided the applicant is given adequate notice and opportunity to correct the problem or comply with the conditions of approval. Revocation of a permit is appealable to the Planning Commission. The action taken by the Planning Commission shall be final.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990); Amended Ordinance 3611 (1995); Amended Ordinance 3825 (2001)

Article 7: Temporary Use Permit.

83.030705 Procedures.

(a) The Chief of the Division of Environmental Health Services of the Public Health Department, Building Official, Fire Chief, or Planning Director shall review and act upon all requests for Temporary Use Permits (T.U.P.) or extensions thereof, subject to the findings and conditions specified for each use by the section of this Code that provides for said use.

(b) Temporary Use Permits shall be first issued for a period of time not to exceed twelve (12) months. Extensions to such permits may be granted for additional periods of time, each of which shall not exceed twelve (12) months.

(1) A Temporary Use Permit shall not be extended for any period of time to exceed five (5) years after the date the Temporary Use Permit was first issued.

(2) Temporary Use Permits may be subject to conditions, where required by this Title or where it is determined reasonable and necessary to do so.

(3) Prior to extending a Temporary Use Permit for the maximum allowable period, the reviewing authority shall require the permittee to submit and obtain the reviewing authority's approval of a plan of action either to remove the use or replace it with a legally established permanent use.

(4) A temporary use or structure which does not have a valid and current permit is hereby declared to be a public nuisance, subject to the enforcement provisions of this Code and other applicable laws.

(5) A Temporary Use Permit is not extended by a change of ownership or operator of the use or structure, a change or modification of the structure or a change of the permitted use, unless an extension is expressly approved.

(6) When the last period of time allowed by this chapter has lapsed, the Temporary Use Permit and any extension thereof shall be considered void. A temporary use or structure that was allowed on a subject parcel by a previous Temporary Use Permit may not be reinstated by a new Temporary Use Permit for any time period beyond the final period of time that would have been allowed under the original Temporary Use Permit.

(c) Procedure: Staff Review Without Notice.

Reviewing Authority: Chief of the Division of Environmental Health Services
Chief, County Fire Department
Building Official
Planning Director

(d) Cancellation of a Temporary Use Permit.

Noncompliance with the conditions set forth in approving the permit shall be grounds for the reviewing authority to cancel and void any Temporary Use Permit. The reviewing authority shall give notice of such an action to the permittee. The permittee may appeal such a decision by filing an appeal as allowed and specified in this chapter.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990); Amended Ordinance 3611 (1995); Amended Ordinance 3654 (1996)

Article 8: Sign Location Plan.

83.030805 Procedures.

(a) The Director of Land Use Services, or an authorized designee, shall review and act upon requests for, and amendments to, an approved Sign Location Plan.

(b) Procedure: Staff Review Without Notice.

(c) Findings. Prior to acting upon a request for a subdivision Sign Location Plan, the reviewing authority shall find that all of the following are true:

(1) That signs constructed in accordance with the proposed Sign Location Plan will be compatible with the character of the community or communities in which the sign structures are to be located.

(2) That the construction of sign structures in accordance with the proposed Sign Location Plan will not have an adverse affect upon properties adjoining the proposed sign location.

(3) That the construction of sign structures in accordance with the proposed Sign Location Plan will be consistent with the policies contained within the County General Plan and any applicable plan.

Readopted Ordinance 3341 (1989); Amended Ordinance 3611 (1995); Amended Ordinance 3870 (2002)

Article 9: Variance Review.

83.030905 Procedures.

(a) Provisions for Variances (exceptions to standards) set forth in this Code are established to insure that any property, because of special circumstances, such as size, shape, topography, location, or surroundings, shall be accorded privileges commonly enjoyed by the other properties in the same vicinity.

(b) The Building Official, or the Chief of the Division of Environmental Health Services or the Chief, County Fire Department when designated by the Building Official, may approve requests for Minor Variances to modify the following requirements of this Code:

(1) Parking improvements.

(2) Up to thirty percent (30%) of parking and loading space requirements, not to exceed two (2) spaces.

(3) Up to forty percent (40%) of front yard setback requirements, but no closer to the property line than fifteen (15) feet in the valley and desert areas and ten (10) feet in the mountain area.

(4) Up to forty percent (40%) of side yard setback requirements, but no closer than three (3) feet from property line.

(5) Up to thirty percent (30%) of rear yard setback requirements, but no closer than ten (10) feet from property line.

(6) Up to thirty percent (30%) of area requirements, excluding lot area requirements.

(7) Up to thirty percent (30%) of height limitations, except that any height deviation not exceeding two (2) feet in height shall also be considered a Minor Variance.

(8) Up to thirty percent (30%) of sign height and setback limitations.

- (9) Up to one hundred percent (100%) of sign number limitations not to exceed four (4) signs.
- (10) Up to thirty percent (30%) of standards set forth in overlay districts.
- (11) Sign area limitations not to exceed ten percent (10%) of total sign area.
- (12) Up to fifty percent (50%) of maximum gross floor area requirements.
- (13) Up to twenty percent (20%) of minimum floor width of single residential design standards.
- (14) Any manufactured home label or tag requirements of the single residential design standards.
- (15) Setback requirements in the Mountain Area for garages and carports no closer than 10 feet from the existing edge of pavement of the roadway. Administrative criteria for variances for these structures shall be established by the Building Official. Those proposals that do not meet these criteria shall be submitted to the County Department of Public Works, with the appropriate fee, for road safety evaluation. Architectural design and construction materials shall be compatible with the visual setting of the surrounding area. The requirements of Section 87.0815 regarding Clear Sight Triangles shall not apply to such variances.
- (c) Any request for a variance other than a Minor Variance shall be termed a Major Variance and shall be reviewed and acted upon by the Planning Officer.
- (d) Procedure: Staff Review With Notice.
 Reviewing Authority: Director of Planning
 Director of Architecture, Building and Engineering
 Chief of the Division of Environmental Health Services
 Chief, County Fire Department
- (e) When necessary, the reviewing authority may hold an advertised hearing to consider evidence and take testimony prior to acting upon a request for variance and establish any necessary conditions of approval.
- (f) Prior to approving a request for a variance, the reviewing authority shall find that the following are true:
 - (1) The granting of such variance will not be materially detrimental to other properties or land uses in the area and will not substantially interfere with the present or future ability to use solar energy systems.
 - (2) There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply to other properties in the same district or vicinity.
 - (3) The strict application of the land use district deprives such property of privileges enjoyed by other properties in the vicinity or in the same land use district.
 - (4) The granting of the variance is compatible with the objectives, policies, general land uses and programs specified in the County General Plan and any applicable plan.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990); Amended Ordinance 3427 (1990); Amended Ordinance 3611 (1995); Amended Ordinance 3714 (1998), Amended Ordinance 3864 (2002)

Article 10: Flood Hazard Development Review.

83.0301005 Procedures.

- (a) A Flood Hazard Development Review shall be completed prior to approval of a land use application or issuance of a development permit in specified areas or where required by the Director of the Department of Land Management, Environmental Health Services, or the Flood Plain Management Administrator.
- (b) The County Surveyor, Land Development Review Division, Drainage Section shall review and act upon requests for Flood Hazard Development Reviews. The County Surveyor's recommendations from such reviews shall be incorporated into the requirements of the development permit and/or the land use application review.
- (c) Procedure: Staff Review Without Notice
 Reviewing Authority: Director of Land Management
- (d) Application Requirements. Application for a Flood Hazard Development Review shall be made on forms furnished by the Floodplain Management Administrator and may include, but are not limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of all the foregoing. The following information shall be submitted with the application:
 - (1) Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures in any flood prone area and the elevation of highest adjacent grade.
 - (2) Proposed elevation in relation to mean sea level to which any structure will be floodproofed.
 - (3) All appropriate certifications stated in Subsection 82.0601(d).
 Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 - (5) A plot plan of the property proposed to be developed showing floodways and floodplains, including adjoining properties necessary to be shown for continuity.
 - (6) The accurate contour of the land at intervals of not more than two (2) feet if the general slope of the land is less than ten percent (10%) or of not more than five (5) feet if the general slope of the land is ten percent (10%) or more.
 - (7) Elevations, in relation to mean sea level, of the area to be developed, including adjoining properties necessary to be shown for continuity.

(8) The method by which the applicant proposes to comply with the requirements of this section including proposed elevations of any structures or fills, floodproofing any proposals to modify existing flow of storm waters and any other relevant information.

(9) After reviewing any request filed under the provisions of this section, the County shall either approve, approve with modifications or conditions, or deny the proposed land use application or development permit.

(e) Where a Flood Hazard Development Review has been completed the reviewing authority shall note the elevation of the first habitable floor of a proposed structure on the development permit and confirm that it is either one (1) foot above:

(1) The base flood elevation in any area designated as an FP1 Overlay District, or

(2) The adjacent ground level in any area designated as an FP2 Overlay District.

(f) In areas subject to a preconstruction flood hazard inspection, the structure shall be sited to modify or maintain the natural drainage way in a manner acceptable to and approved by the County Surveyor, Drainage Section.

A Flood Hazard Development Review may also authorize structural encroachments on private property into San Bernardino County drainage easements, offers of dedication for drainage purposes, and those building setback areas established adjacent to drainage courses.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990)

Article 11: Pre-construction Inspection.

83.0301105 Purpose.

The provisions of this chapter are enacted to regulate construction of proposed structures within local flood hazard areas that are not within a designated Flood Plain Safety (FP) Overlay District or Floodway (FW) Land Use District.

Readopted Ordinance 3341 (1989)

83.0301120 Inspection.

(a) No person, except as provided in this chapter, shall commence with a disturbance of land (e.g. grading or land clearing) and/or construction activity which has the potential to affect a discernible water course without first obtaining approval to assure that said disturbance and/or construction activity will not increase the velocity or alter the direction or point of discharge of a local drainage course in such a manner that it negatively effects the proposed structure(s) or other properties downstream.

(b) A pre-construction Flood Hazard Inspection shall be conducted by the Building Official prior to approval of any development permit, except where a land use application has previously been approved authorizing such land disturbing or construction activity.

(c) The Building Official shall determine, upon visual inspection of the site and review of any pertinent available resources, whether there is evidence of a discernible watercourse which could effect or could be affected by the proposed improvements or land disturbing activity.

(1) If the Building Official determines no such evidence exists, it shall be indicated in writing that the site has passed the pre-construction Flood Hazard Inspection and review.

(2) If evidence of a discernible watercourse exists, the Building Official shall require a Flood Hazard Development Review by the County Transportation/Flood Control Department, Drainage section which will provide further review of the site and proposed improvements.

All preconstruction Flood Hazard Inspections referred to the County Surveyor, Drainage Section, shall be subject to the provisions of the Flood Hazard Development Review prior to issuance of any development permit or approval of a land disturbing activity.

Readopted Ordinance 3341 (1989); Amended Ordinance 3714 (1998)

Article 12: Extension of Nonconforming Use Amortization Period (Adult-Oriented Businesses)

83.0301205 Procedures.

(a) An application for extension of the amortization period for an adult oriented business which is a nonconforming use shall be made as provided in Section 84.0815(d)(2).

(b) Procedure: Public Hearing.

(c) Reviewing Authority: Planning Commission.

(d) Criteria and Findings. In determining whether to grant an extension of the amortization period for an adult-oriented business which is a nonconforming use, and in determining the appropriate length of such an extension, the reviewing authority shall consider the amount of investment in the business, the opportunities for relocation to a legally permissible site, the costs of relocation and the effects of the business on the surrounding area. The reviewing authority shall receive and consider evidence presented by the applicant and any other persons, and shall make findings that the amortization period it establishes is reasonable in view of the evidence and the criteria set forth above.

Adopted Ordinance 3465 (1991)

Article 13: Department Review

83.0301305 Intent.

It is the intent of this Article to provide an expedited review process for certain projects which might otherwise require a Conditional Use Permit. Department Review is designed to provide ministerial review for minor projects and intermediate discretionary review for projects which do not meet established development standards.

Adopted Ordinance 3483 (1992)

83.0301310 Procedures.

(a) In accordance with the provisions of this section, the Director of Planning may use a Department Review in lieu of a Conditional Use Permit that is otherwise required by this Title, except for those uses identified in Section 83.0301315 that specifically do not qualify for a Department Review.

- (1) Procedure: Staff Review Without Notice.
- (2) Reviewing Authority: County Director of Planning.

(b) Findings. Prior to accepting or approving an application for a Department Review, the reviewing authority shall find:

- (1) The site is adequate in size and shape to accommodate the proposed use and all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscaping and other required features.
- (2) The site has adequate access.
- (3) There is supporting infrastructure, existing or available, consistent with the designated improvement level, to accommodate the proposed development without significantly lowering service levels.
- (4) The proposed use will not have a substantial adverse effect on abutting property or the permitted use thereof. The use will not generate excessive noise, vibration, traffic or other disturbance. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems.
- (5) The proposed use and manner of development are consistent with the goals, policies, standards and maps of the General Plan and any applicable specific plan.
- (6) There are no circumstances which would result in standards or conditions not being able to adequately mitigate environmental impacts.
- (7) The project must be planned for immediate development and does not include phased development.
- (8) The results of a special study prepared on the subject property (i.e., geologic study) do not indicate that a more substantive review is required.
- (9) The project is not likely to result in controversy.

If the proposed project fails to satisfy any of the above listed criteria, it will be subject to the Conditional Use Permit review process.

(c) An application which has been accepted for Department Review may be approved ministerially if the Director of Planning makes the additional finding that the project complies with all development standards set forth in this Title or adopted by the Board of Supervisors. If the proposed project fails to satisfy this additional finding, it will be processed as a discretionary review.

Adopted Ordinance 3483 (1992)

83.0301315 Uses Which Do Not Qualify for a Department Review.

- (a) In Any Land Use District.
- (1) All phased projects.
 - (2) Any project required to be filed concurrently with a Final Development Plan.
 - (3) Projects with natural slopes of 30% or greater on any portion of the site that is to be developed.
 - (4) Museums, art galleries, auditoriums, libraries, planetariums, aquariums, zoos, botanical gardens and arboretums, with over 200 parking spaces.
 - (5) Institutional uses including, but not limited to, schools, colleges and universities, conference centers, organizational camps, correctional facilities and hospitals, with over 200 parking spaces, unless otherwise regulated within the Institutional Land Use District.
 - (6) Churches.
 - (7) Bed and Breakfast (having three or more guest rooms).
 - (8) Cemeteries, including pet cemeteries, subject to Design Standards and the mapping requirements specified by this Title.
 - (9) Intensive sports oriented recreational uses such as racetracks, stadiums, arenas, field houses, rodeo facilities, off road vehicle parks, ski resorts or recreational vehicle parks with 50 or more spaces except in the Rural Commercial or Highway Commercial Land Use Districts.
 - (10) Development of natural resources including, but not limited to: mineral deposits, extraction, natural vegetation and energy sources, together with the necessary buildings, apparatus or appurtenances incidental thereto.

(11) Permanent government facilities and enterprises (Federal, State and Local) where buildings and/or property are publicly owned or leased with over 200 parking spaces.

(12) Recreation and community centers, gymnasiums, athletic clubs with over 200 parking spaces.

(13) Potentially hazardous uses.

(A) Projects which require a Health Risk Assessment.

(B) Hazardous Waste Operations. Establishments involved in the transfer, storage, treatment, incineration, recycling or disposal of waste material that could pose a threat to human health or the environment if not handled properly.

(C) Industrial uses requiring extensive buffering from other land uses for the preservation of the health, safety and welfare of the general public.

(D) Solid waste disposal sites, and rubbish incinerators.

(E) Sewer plants and sewage disposal sites.

(F) Gas production plants.

(G) Transportation facilities principally involved in the movement of people together with the necessary buildings, apparatus, or appurtenances incidental thereto, including, but not limited to, airports, heliports and train stations.

(b) Resource Conservation (RC) District.

(1) Wholesale Trade of Livestock (e.g. animal auctions).

(2) Agricultural Support Services.

(c) Agriculture (AG) District. None.

(d) Rural Living (RL) District.

(1) Mobilehome parks of 10 or more units.

(2) Agricultural Support Services as a primary use.

(e) Single Residential (RS) District. Mobilehome Parks with 10 or more units.

(f) Multiple Residential (RM) District.

(1) Multiple dwelling unit (over twenty units).

(2) Mobilehome Parks with 50 or more units.

(g) Office Commercial (CO) District. Projects greater than 40,000 square feet of building area.

(h) Neighborhood Commercial (CN) District. Projects greater than 30,000 square feet of building area.

(i) Rural Commercial (CR) District.

(1) Projects greater than 30,000 square feet of building area.

(2) Multiple Dwelling Unit (over twenty units).

(3) Mobilehome Parks of twenty or more units.

(j) Highway Commercial (CH) District. Projects greater than 40,000 square feet of building area.

(k) General Commercial (CG) District.

(1) Projects greater than 80,000 square feet of building area.

(2) Adult Oriented Businesses.

(l) Service Commercial (CS) District. Projects greater than 80,000 square feet of building area.

(m) Community Industrial (IC) District. Projects greater than 80,000 square feet of building area.

(n) Regional Industrial (IR) District.

(1) Projects greater than 80,000 square feet of building area.

(2) Manufacturing Operations projects, which may be under 80,000 square feet of building area, generally involving the conversion of raw materials to intermediate or finished products. Such uses generally involve storage of large amounts of raw materials and include, but are not limited to:

(A) Food and Kindred Products (slaughter houses, flour mills).

(B) Textile Mill Products (textile mills).

(C) Lumber and Wood Products (saw mills).

(D) Paper and Allied Products (paper mills).

(E) Chemicals and Allied Products (all such uses).

(F) Petroleum Refining and Related Industries (all such uses).

(G) Rubber and Miscellaneous Plastic Products (all such uses).

(H) Stone, Clay and Glass Products (brick, tile, dish, glass and insulation manufacturing, concrete plants).

(I) Primary Metal Industries (all such uses).

(J) Fabricated Metal Products (automobile assembly plants)

(K) Miscellaneous Manufacturing (fur dressing and dying).

(o) Institutional (IN) District. Institutional uses greater than 80,000 square feet of building area.

(p) Floodway (FW) District.

(1) The wholesale trade of livestock.

(2) Cow and goat dairies.

(3) Hog ranches and calf growing ranches.

(4) Agricultural Support Services.

(q) Planned Development (PD) District. None.

The term "projects" in the subsections above refers to all projects that are identified as "Land Uses Subject to a Conditional Use Permit" in that specific land use district. When the cumulative impact of successive projects of the same type on the same parcel or within the same ownership, over time exceed the thresholds (square footage or parking space limitations) provided above, new projects in that area will always require a Conditional Use Permit.

Adopted Ordinance 3565 (1993)

Article 14: Housing Incentives Program (HIP)

83.0301405 Housing Incentives Program Density Bonuses.

A twenty-five percent density bonus above the density allowed by the General Plan shall be granted to proposed housing developments which include construction of affordable dwelling units in accordance with California Government Code Section 65915, et seq., as consideration for compliance with all terms of a duly executed and authorized Housing Incentives Program Developer Agreement and all requirements of any applicable statutes and regulations. As an additional incentive, all Housing Incentives Program projects shall receive expedited processing.

Adopted Ordinance 3500 (1992)

83.0301410 Housing Incentives Program Review Criteria.

The review procedure set forth in this section shall be required for any proposed housing project which includes a request for a density bonus under the Housing Incentives Program.

(a) A Housing Incentives Program Pre-Application Conference shall be required when affordable housing projects are proposed which require a Conditional Use Permit, Planned Development application, and/or Tentative Tract application. The Housing Incentives Program Pre-Application Conference may be waived at the written request of the applicant. Any Housing Incentives Program application may be reviewed as part of the other application submitted.

(b) Affordable housing projects which qualify for a Department Review application shall be reviewed in accordance with the procedures established in Section 83.030130 of this Title. No separate Housing Incentives Program Pre-Application Conference shall be conducted for affordable housing projects processed under the Department Review application procedures.

(c) Multi-residential affordable housing projects which do not qualify for a Department Review shall be reviewed in accordance with the procedures established for Conditional Use Permit Review in Article 1, or Planned Development Review in Article 2 of this Chapter.

Single residential affordable housing projects shall be reviewed in accordance with the procedures established for the Planned Development Review in Article 2 of this Chapter.

Adopted Ordinance 3500 (1992)

Article 15: ABC Licensing

83.0301505 ABC Licensing.

State law requires a local jurisdiction to make a "public convenience or necessity" determination prior to the State Department of Alcoholic Beverage Control (ABC) issuing a liquor license under certain circumstances. Refer to Division 9 of the State Business and Professions Code for specific State requirements and definitions regarding alcoholic beverage control. Sections 23958, 23958.4 and 23817.7 of that code specifically address State licensing requirements.

Adopted Ordinance 3684 (1997)

83.0301510 Procedures.

(a) The Planning Director shall review and act upon a request for a letter of "public convenience or necessity" when it is required from the local jurisdiction by ABC. If such a request is determined to be controversial, the review shall be referred to the Planning Commission for action. Right to appeal staff or Planning Commission action are as provided in Article 6 of Chapter 1 of Division 3 of this Title.

(b) Notification: Notice shall be given by first class mail or delivery to all surrounding property owners within five hundred (500) feet of the boundaries of the proposed establishment when such a request is submitted to the County for review. A sign that is at least sixteen (16) square feet shall be posted on the site to notify residents within the area of the proposed establishment. Text of the sign shall conform with the guidelines provided by the Planning Department. This sign shall be placed in manner that it is easily visible from the street but not within the clear sight triangle of any driveway or intersection. Once the sign has been installed, review of the license request will proceed. Action on the request shall not be taken until the sign has been in place for at least fourteen (14) days. Said sign shall be removed within fourteen (14) days of the date of the final action taken on the license request application. If the applicant can prove to the Planning Department that surrounding residents within five hundred (500) feet of the boundaries of the proposed establishment can be notified by mail, mailing notices to these residents may be used in lieu of the sign as an alternative method of notification. These notices may be addressed to "Occupant" or to specific individuals.

(c) Procedure: Staff Review With Notice.

(d) Reviewing Authority: Planning Director.

(e) Finding: Prior to issuing a letter of "public convenience or necessity" for an ABC license, the reviewing authority shall find that the following is true:

A public convenience or necessity would be served by the granting of such license.

Adopted Ordinance 3684 (1997)

Article 16. Accessory Wind Energy Systems Permit

83.0301605 Accessory Wind Energy Systems.

State law provides development standards for accessory wind energy systems for “non-urbanized” areas in Government Code Section 65892.13. These provisions also allow any local agency to adopt an ordinance that establishes procedures and development standards for the installation of these systems within its jurisdiction. Such ordinance shall not be more restrictive than State law relative to notice, tower height, setbacks, turbine approval and engineering analysis. The review procedures for these systems are established in this Article, and the development standards are set forth in Section 84.0565 of this Title.

Adopted Ordinance 3966 (2005)

83.0301610 Procedures.

(a) The Director of Land Use Services shall review and act upon a request for an accessory wind energy system permit.

(b) Notification: Notice shall be given by first class mail or delivery to all surrounding property owners within three hundred (300) feet of the boundaries of the parcel of the subject site when such a request is submitted to the County for review.

(c) Procedure: Staff Review With Notice.

(d) Reviewing Authority: Director of Land Use Services.

(e) Findings: Prior to approving an application for an Accessory Wind Energy Permit, the reviewing authority shall find and justify that all of the following are true:

(1) The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscaping and other features pertaining to the application.

(2) The site for the proposed use has adequate access, meaning that the site design incorporates street and highway limitations.

(3) The proposed use will not have a substantial adverse effect on adjacent property or the permitted use thereof, including that the use will not generate excessive noise, vibration, traffic or other disturbance or have a substantial visual impact on adjacent property.

(4) The proposed use is consistent with the goals, policies, standards and maps of the General Plan and any applicable plan.

(5) The lawful conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare.

(6) The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities pursuant to Government Code Section 65850.5.

(f) Appeal: Any interested person may file an appeal to the decision to approve or deny an application for an Accessory Wind Energy Systems Permit in accordance with Article 6 of Chapter 1 of this Division. If the applicant files an appeal, a credit in the amount of the application fee paid pursuant to Section 16.0215A(l)(14) shall be applied toward the fee required for the appeal.

Adopted Ordinance 3966 (2005)